

Assembly Bill No. 761

CHAPTER 903

An act to amend Section 664 of the Welfare and Institutions Code, relating to youth.

[Approved by Governor October 12, 1997. Filed
with Secretary of State October 12, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 761, McClintock. Youths: juvenile court proceedings.

Existing law authorizes the issuance of subpoenas to require witnesses to attend wardship hearings of a juvenile court.

This bill would require the court to use whatever means are appropriate, including the issuance of subpoenas, to require the parents of a minor, as specified, who is a subject of a detention, jurisdictional, or disposition hearing to attend those proceedings, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 664 of the Welfare and Institutions Code is amended to read:

664. (a) The district attorney or the attorney of record for the minor may issue, and upon request of the probation officer, the minor, or the minor's parent, guardian, or custodian, the court or the clerk of the court shall issue, and, on the court's own motion, the court may issue, subpoenas requiring attendance and testimony of witnesses and production of papers at any hearing regarding a minor who is alleged or determined by the court to be a person described by Section 601 or 602.

(b) When a person attends a juvenile court hearing as a witness upon a subpoena, in its discretion, the court may by an order on its minutes, direct the county auditor to draw his or her warrant upon the county treasurer in favor of the witness for witness fees in the amount and manner prescribed by Section 68093 of the Government Code. The fees are county charges.

(c) (1) The court shall use whatever means are appropriate, including, but not limited to, the issuance of a subpoena, if appropriate, to require the presence of the parent, parents, or guardian of a child at the detention, jurisdictional, and disposition hearings regarding a minor who is alleged or determined by the court to be a person described by Section 601 or 602 unless the court determines that it would be in the best interests of the child for the parent to not attend or the court finds that it would impose a hardship

upon the parent or guardian to attend. Any parent or guardian who does not attend a hearing pursuant to a subpoena under this section is guilty of contempt unless the court excuses, for good cause, the parent or guardian from attending the hearing or the court finds that the parent or guardian has a satisfactory excuse for not attending.

(2) For purposes of this subdivision, the term “parent” includes a foster parent.

